

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KENNETH JAY WILSON,)	CASE NO. 3:05 CV 7307
)	
Plaintiff,)	JUDGE DAVID A. KATZ
)	
v.)	<u>OPINION AND ORDER</u>
)	
KELLY ROBERTSON, et al.,)	
)	
Defendants.)	

On July 21, 2005, plaintiff pro se Kenneth Jay Wilson, an inmate at the Okeechobee County Jail, filed this 42 U.S.C. § 1983 action against seven defendants, alleging he was held in protective custody for over two years at the Toledo Correctional Institution. Plaintiff's requests that he be permitted to proceed in forma pauperis. For the reasons stated below, this action is dismissed without prejudice.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-40, § 1(a), 110 Stat. 1327 (1996) amended 28 U.S.C. § 1915. Among the changes to the statute is a provision which prevents a prisoner from bringing a civil action or appealing a judgment in a civil action in forma pauperis if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it

was

frivolous, malicious or failed to state a claim upon which relief

may be granted. 28 U.S.C. § 1915(g).

Wilson has a long history of filing frivolous cases, and has exceeded the limit set forth in 28 U.S.C. § 1915(g). See, Wilson v. Yaklich, 148 F.3d 596 (6th Cir. 1998). Thus, as the complaint in the instant action does not contain allegations reasonably suggesting he is in imminent danger of serious physical injury, he may not proceed in forma pauperis. See Mitchell v. Tennessee, No. 03-5816, 2004 WL 193153 at *1 (6th Cir. Jan. 30, 2004).

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/ DAVID A. KATZ 9/2/05

DAVID A. KATZ
UNITED STATES DISTRICT JUDGE